

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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THOMAS LAMONT WILLIAMS,

Plaintiff,

v.

UNION FEDERAL CREDIT UNION, *et al.*,

Defendants.

Case No. 3:22-cv-00472-MMD-CSD

ORDER

On January 11, 2023, the Court granted Defendant Union Federal Credit Union's motion for more definite statement and directed Plaintiff to file an amended complaint within 14 days. (ECF No. 14.) After that deadline had long passed and Plaintiff failed to file an amended complaint, the Court issued another order on March 10, 2023 directing Plaintiff to comply with the Court's prior order to file an amended complaint and giving him until March 27, 2023 to do so. (ECF No. 15.) That deadline has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the Court's order.

District courts have the inherent power to control their dockets, and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v.*

1 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure  
2 to comply with local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to obey  
4 a court order, or failure to comply with local rules, the court must consider several factors:  
5 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
7 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
8 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
9 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

10 Here, the Court finds that the first two factors, the public's interest in expeditiously  
11 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
12 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
13 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
14 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*  
15 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring  
16 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
17 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
18 the court's order will result in dismissal satisfies the “consideration of alternatives”  
19 requirement. See *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
20 F.2d at 1424. The Court's latest order requiring Plaintiff to file an amended complaint  
21 expressly stated: “The Court will give Plaintiff until March 27, 2023 to comply with the  
22 Court's order to file an amended complaint. Plaintiff's failure to comply with the Court's  
23 order will result in dismissal of this action.” (ECF No. 15.) Thus, Plaintiff had adequate  
24 warning that dismissal would result from his noncompliance with the Court's orders to file  
25 an amended complaint.

26 It is therefore ordered that this action is dismissed without prejudice based on  
27 Plaintiff's failure to file an amended complaint in compliance with this Court's orders.

28 The Clerk of Court is directed to enter judgment accordingly and close this case.

1 DATED THIS 28<sup>th</sup> Day of March 2023.

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4 MIRANDA M. DU  
5 CHIEF UNITED STATES DISTRICT JUDGE  
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